

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	Case No.: 4:06-cr-069
Cyrus Rio Parisien,)	
)	
Defendant.)	

The court conducted a hearing on the Petition for Action on Conditions of Pretrial Release on September 18, 2006. Assistant U.S. Attorney David Hagler appeared on behalf of the government. Federal Public Defender Orell Schmitz appeared on the defendant's behalf. United States Probation and Pretrial Services Officer Todd Pope provided testimony.

Having reviewed the record, the evidence presented at the hearing, and the report prepared by Pretrial Services, the court finds there is clear and convincing evidence that the defendant knowingly and intentionally violated the terms and conditions of his pretrial release. The court further finds there are no conditions, or combinations of conditions, of release that may be imposed that will safeguard the community and that revocation of the defendant's conditional release pending trial is warranted given his is unwillingness (or at least inability) to control his own conduct. In reaching this conclusion, the court takes particular note of the defendant's extensive history of non-compliance with tribal court orders, his continued anger management issues, and his demonstrated lack of respect for the staff of the Family Recovery Home. The option of half-way house confinement for alcohol treatment is not practical given the relatively short period of time until trial.

Accordingly, the court **REVOKES** the defendant's conditional release, **GRANTS** the government's Motion for Detention (Docket No. 16), and **ORDERS** that the defendant be detained pending final disposition of this matter.

The court **FURTHER ORDERS** that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 18th day of September, 2005.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge